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MARY E. D'ANDREA, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
JOHN RICHARD JAE,

Plaintiff,

vs.

KENNEBETH D. HYER, JOHN R. RICHARD JAE,
WILLIAM S. PHADES, MARVIN L.
DRAGOVICH, OFFICER RUSSELL L., TERRY ROGER,
Defendants

May 7, 2001
NUMBER: 1:CR-00-0315

TYPE OF PLEADING: APPENDIX
OF EXHIBITS TO PLAINTIFF'S
BRIEF IN OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT
AND MEMORANDUM IN SUPPORT

FILED ON BEHALF OF:

MR. JOHN RICHARD JAE,
Plaintiff and Pro Se

NAME, ADDRESS AND TELEPHONE OF:

Counsel of Record

Individual, if Pro Se

MR. JOHN RICHARD JAE
#BQ-3019
Sgt. Greene/GMU
175 Progress Drive
Lewistown, PA 17043-2008

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE, :
Plaintiff :
v. : No. 1:CV-00-0315
KENNETH D. KYLER, individually, and : (Judge Rambo)
in his official capacity, et al., : (Magistrate Judge Smyser)
Defendants :

ANSWER TO COMPLAINT AND AMENDED COMPLAINT

First Defense

Complaint

1. It is **ADMITTED** that the plaintiff is a Pennsylvania state prisoner confined at the State Correctional Institution at Camp Hill ("SCI-Camp Hill"), and that he is presently assigned to the restricted housing unit. Plaintiff's characterization of this action is also **ADMITTED**. Otherwise, this paragraph states conclusion of law to which require **NO RESPONSE** or, if the remaining averments are deemed factual, they are **DENIED**.
2. Plaintiff's characterization of this action is **ADMITTED**; otherwise, this paragraph states conclusions of law to which require **NO RESPONSE**.
3. **ADMITTED**.
4. **DENIED** in that defendant Kenneth D. Kyler is no longer the Superintendent at SCI-Camp Hill . Otherwise, this paragraph states conclusions of laws to which require **NO RESPONSE**.

17. Defendants are without knowledge sufficient to form a belief as to the truth of this averment. See paragraph 12 of this Answer.

18. **DENIED**, however, Defendant Palakovich has no present recollection of speaking with the plaintiff on December 1, 1999.

19. **DENIED**. DC-ADM 801-2 speaks for itself.

20. It is **ADMITTED** that on November 26, 1999, plaintiff was on restriction and was denied a shower. Otherwise, this paragraph is **DENIED**.

21. It is **ADMITTED** that on November 26, 1999, plaintiff was on restriction and was denied yard. Otherwise, this paragraph is **DENIED**.

22. **ADMITTED**.

23.-28. **DENIED**.

29.-40. These paragraphs state conclusions of law to which **NO RESPONSE** is required.

To the extent they are deemed factual, they are **DENIED**.

Amended Complaint

1. **ADMITTED**, except that plaintiff filed his complaint on January 18, 2000.

2. This paragraph states a legal conclusion which requires **NO RESPONSE**.

3. Defendants hereby incorporate by reference their answers to plaintiff's original complaint.

4. - 5. **ADMITTED**.

6. **DENIED**.

7. This paragraph states conclusions of law which require **NO RESPONSE**.

8. Defendants are without knowledge or information sufficient to form a belief as to the truth of this averment.

9. Defendants hereby incorporate by reference their answers to plaintiff's original complaint.

10.-12. These paragraphs states conclusions of law to which **NO RESPONSE** is required

Second Defense

Plaintiff has failed to exhaust his administrative remedies.

Third Defense

The complaint as amended fails to state a claim upon which relief may be granted.

Fourth Defense

The defendants are entitled to qualified immunity from plaintiff's claims for damages.

Fifth Defense

The defendants have not acted or failed to act to violate plaintiff's constitutional rights.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:


MICHAEL L. HARVEY
Senior Deputy Attorney General
Attorney I.D. #30098

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

Counsel for DEFENDANT
CHRISTOPHER O'BRIEN

OFFICE OF ATTORNEY GENERAL
15th Floor, Strawberry Square
Harrisburg, PA 17120
PHONE: (717) 787-6896
FAX: (717) 772-4526
DATE: March 7, 2000

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff, : No. 1: CV-00- 0315

v.

(Judge Rambo)

KENNETH D. KYLER, individually,
and in his official capacity, et al., : (Magistrate Judge Smyser)

Defendants. :

ANSWER TO SUPPLEMENTAL COMPLAINT

Defendants Kyler, Dragovich, Palakovich, Rhoades, Rubendall, and Rager, through their counsel and pursuant to Federal Rule of Civil Procedure 8, hereby respond to the allegations in the Supplemental Complaint. Defendants' answers to the Complaint and Amended Complaint in this action shall be incorporated into this Answer.

FIRST DEFENSE

1. Paragraph 1 is plaintiff's recitation of the contents of the original Complaint, to which **NO RESPONSE** is necessary.

2. Paragraph 2 is plaintiff's recitation of the contents of the Amended Complaint, to which **NO RESPONSE** is necessary.

3. It is **ADMITTED** that Glenn W. Rubendall and Charles W. Rager have been added as Defendants in this Supplemental Complaint.

4. Paragraph 4 is plaintiff's incorporation of claims from the original and amended complaints. Defendants incorporate their answers to the original and amended complaints.

5. **ADMITTED IN PART, DENIED IN PART.** It is **ADMITTED** that the

plaintiff was taken to Holy Spirit Hospital after the plaintiff attempted to harm himself by eating staples. Defendants assert, however, that this incident occurred on April 24, 2000, and not on April 23 as the plaintiff contends. Otherwise, Defendants are without sufficient information to form a belief as to the truth of this averment, because Dr. Laskey could not recall the exact number of staples ingested.

6. **ADMITTED IN PART, DENIED IN PART.** It is **ADMITTED** that Dr. Laskey ordered the removal of all materials with staples. It is **DENIED** that Dr. Laskey ordered the return of those materials on April 24. The incident occurred during the late evening hours of April 24, and the order to remove the materials came the next day.

7. **DENIED.** By way of further answer, this paragraph again refers to April 24, 2000, as a date upon which the materials were allegedly to be returned. The incident leading to plaintiff's hospital treatment occurred late in the evening on April 24.

8. **ADMITTED IN PART, DENIED IN PART.** It is **ADMITTED** that a helmet and shackles were placed on the plaintiff on April 24, 2000. It is **DENIED** that the helmet and shackles remained on the plaintiff until April 27, 2000.

9. Defendants are without sufficient information to form a belief as to the truth of this averment, because Dr. Clark has retired and could not be contacted for this information.

10. **DENIED.**

11. **ADMITTED.**

12. **ADMITTED.**

13. **ADMITTED.**

14. **DENIED.**

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION

JOHN RICHARD JR.,
Plaintiff,
vs.

KENNETH D. TYLER,
JOHN A. PALAKOLOVICH,
LT. W. RHOADES, and
MARTIN L. DRAGOVICH,
Defendants.

Civil No. 1:CKC00-031
U.S. District Judge [redacted]
U.S. Magistrate Judge [redacted]

PLAINTIFF'S FIRST SET OF INTERROGATORIES

Pursuant to Fed. R.Civ.P. 33, Plaintiff submits
the following Interrogatories for Defendants to answer. The Defendants
are directed to answer each of the following Interrogatories
under oath within thirty (30) days of service thereof. These Interrogatories
shall be deemed continuing so as to require supplemental answers
if new & different information materializes.

1. State the duties of Defendant Kenneth D. Tyler, Superintendent
of State Correctional Institution At Camp Hill ("SCI-Camp Hill").
If those duties are set forth in any Job Description or other written document,
attach a copy of such to your answers to these Interrogatories.

2. State the Duties of Defendant John A. Palakolovich, Superintendent
for Facilities Management, State Correctional Institute
Camp Hill ("SCI-Camp Hill"). If those duties are set forth in any
other written document attach a copy of such to your answers
to these Interrogatories.

3. State the duties of Defendant Martin L. Dragoovich,
State Correctional Institution At Camp Hill ("SCI-Camp Hill").
If those duties are set forth in any Job Description or
other written document attach a copy of such to your answers

4. Back in November and December, 1999, was there at written Camp Hill, DOC or RHU Bldg 1 fighting DC Status from the SCI-Camp Hill RHU from possessing their own personal law books in their RHU Cells?

5. If your answer to Interrogatory No. 4, above is yes, attach an entire copy of each such policy to your answers to these interrogatories.

6. Was the Plaintiff on Restriction on November 26, 1999?

7. If your answer to Interrogatory No. 6, is yes,

a) state what type of restriction was the plaintiff on
why he was on restriction on November 26, 1999?

b) State whether such restriction and the reasons thereof are documented in writing and where such was documented in writing?

c) attach a copy of such written documentation, as above,
your answers to these interrogatories -

8. Did Defendant Palakovich answer Plaintiff's Request the PRC of 11-29-99, requesting he be allowed to have his personal law books in the RHU on DC Status?

9. If your answer to Interrogatory No. 8, is yes,

a) State in full what was Defendant Palakovich's answer such 11-29-99, Request of Plaintiff's.

10. Are the words "will", "shall", "must" all mandatory and limit the discretion and authority and act of the Defendants?

11. Are Defendants Taylor Palakovich and Digoldrich to follow the Directives issued by the Secretary of CORP?

12. Does DC-ADM. #201-KI D-5, apply to SCI-Camp

B. Does DC-ADM #801-11-D-2, apply to SCB-C
Hill RHU

14. Does DC-ADM #801-2 apply to the SCB Camp Hill RHU?
15. Does the RHU main Law Library have the following law books, p.e., the Cite book, The Law of Sentencing, Corrections and Prisoner's Rights In A Nutshell, Appellate Advocacy in Secret Trials For Post-Conviction Relief and The 50% PA Code Welfare Chapter \$100 Mental Health Procedures Pamphlet, now?
16. Did it have the above-referred to law books in place in November and December, 1999?
17. Was it really hot inside the SCB Camp Hill RHU during November and December, 1999?
18. If your answer to Interrogatory No. 18, is yes,
 - a). State the reasons in detail why such was done heretofore.
19. Did Defendant Palakovich at any time during November and December, 1999, deny Plaintiff permission to have his own personal Law Books on DC-status in the RHU here either verbally or in writing?
20. Did Defendant Dragovich on January 12, 2000, and/or other time deny plaintiff his personal softcover law books in the RHU on DC-status?
21. During November and December, 1999, was any other RHU denied access to their own personal law books here in the RHU on DC-Status?
22. Did Plaintiff receive his religious materials that he requested?
23. If your answer to Interrogatory No. 23, is yes,
 - a) State the date and/or dates which the Plaintiff received such materials.

AS. DPD the Plaintiff file any Institutional Appeal
Inmate grievances and grievance appeals on the basis
of his complaint and Amended Complaint hereto this C.R.A.
is filed.

RESPECTFULLY SUBMITTED

(S) — John Richard JAE
MR. JOHN RICHARD JAE,
Plaintiff and Pro Se Counsel

MR. John Richard JAE,
#BQ-3219
SCI-Camp Hill
P.O. Box 200
Camp Hill, PA 17001-0200

Dated: 11th APRIL 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE, :
: Plaintiff :
: v. : No. 1:CV-00-0315
: :
KENNETH D. KYLER, individually, and : (Judge Rambo)
in his official capacity, et al., :
: (Magistrate Judge Smyser)
Defendants :
:

DEFENDANTS' RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

Defendants, by their counsel, respond to plaintiff's first set of interrogatories as follows:

1. See job description for Corrections Superintendent, attached hereto.
2. See job description for Deputy Superintendent for Facilities Management, attached hereto.
3. See job description for Corrections Superintendent, attached hereto.
4. No, as long as an inmate's legal and religious materials together did not exceed one (1) records center box.
5. Not applicable.
6. No.
7. Not applicable.
8. Defendants are unable to answer the interrogatory because defendant John Palakovich does not presently recall whether he answered plaintiff's request to the Program Review Committee of November 29, 1999, that plaintiff be approved to have his personal soft cover law books in his cell in the restricted housing unit.
9. Not applicable.

10. OBJECTION. This interrogatory requests a legal conclusion.
11. Yes.
12. Yes.
13. Yes.
14. Yes.
15. No.
16. No.
17. No.
18. Yes.
19. Plexiglass was placed over plaintiff's cell door to prevent plaintiff from disrupting the cell block with his yelling.
20. Defendants are unable to answer this interrogatory because Defendant John Palakovich does not presently recall whether or not he denied plaintiff permission to have his own personal law books in his cell in the restricted housing unit in November or December, 1999.
21. No.
22. Objection. This interrogatory is objected to because it does not seek information relevant to the subject matter of this action.
23. To the best of defendants' knowledge, according to the property records, plaintiff did not obtain his religious books from his stored property. Plaintiff, however, had the opportunity to obtain these books.
24. Not applicable.

25. Plaintiff submitted an official Inmate Grievance and an appeal related to his claim that he was denied his law books in the RHU. Plaintiff did not submit either a grievance or an appeal related to any of the other claims asserted in this case.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

**15th Floor, Strawberry Square
Harrisburg, PA 17120
PHONE: (717) 783-6896
FAX: (717) 772-4526**

DATE: June 27, 2000

JUN-27-00 TUE 15:12

ATTORNEY GENERAL

FAX NO. 717 772 4528

P. 05/08

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff

v.

No. 1:CV-00-0315

KENNETH D. KYLER, individually, and : (Judge Rambo)
in his official capacity, et al.,

(Magistrate Judge Smyser)

Defendants

VERIFICATION

I, Ben C. Livingood, hereby state under penalty of perjury, that I have reviewed the foregoing answers to interrogatories along with plaintiffs' interrogatories, and the answers are true and correct to the best of my knowledge, information and belief.

Ben C. Livingood
Ben C. Livingood

Date: 6/27/00

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,	:	
	:	
Plaintiff,	:	No. 1: CV-00- 0315
	:	
v.	:	
	:	
	:	(Judge Rambo)
KENNETH D. KYLER, individually, and in his official capacity, <u>et al.</u> ,	:	(Magistrate Judge Smyser)
	:	
Defendants.	:	

DEFENDANTS' SUPPLEMENTAL RESPONSE TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES

Defendants, by their counsel, hereby supplement their response to plaintiff's first set of interrogatories as follows:

22. During November and December, 1999, was [sic] any other RHU Inmates denied access to their own personal law books here in the RHU on DC-Status?

RESPONSE: No. Jae, likewise, was not denied access to his personal law books during that time.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

15th Floor, Strawberry Square
Harrisburg, PA 17120
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DATE: September 12, 2000

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DAG LITIGATION

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff, No. 1: CV-00-0315

v.

KENNETH D. KYLER, individually,
and in his official capacity, et al.,

(Judge Rambo)

(Magistrate Judge Smyser)

Defendants.

VERIFICATION

I Ben C. Livingood, hereby state under penalty of perjury, that I have reviewed the foregoing Defendants' Supplemental Response to Plaintiff's First Set of Interrogatories and the answers set forth therein is true and correct to the best of my knowledge, information and belief.

Ben C. Livingood
Ben C. Livingood

Executed on 9/12/06

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN RICHARD JAE,	:	
	:	
Plaintiff	:	
	:	
v.	:	No. 1:CV-00-0315
	:	
KENNETH D. KYLER, individually, and	:	(Judge Rambo)
in his official capacity, et al.,	:	(Magistrate Judge Smyser)
Defendants	:	

**DEFENDANTS' RESPONSE TO PLAINTIFF'S SECOND
SET OF INTERROGATORIES**

Defendants, by their counsel, respond to plaintiff's second set of interrogatories as follows:

1. State the duties of Defendant Lt. William J. Rhoades, as RHU Lt./Unit Manager, State Correctional Institution at Camp Hill ("SCI- Camp Hill"). If those duties are set forth in writing in any job description or other written document, attach a copy of such to your answers to these interrogatories.

RESPONSE: See job description for Corrections Officer 3 and Corrections Unit Manager, attached hereto

2. State the duties of Defendant Glenn W. Rubendall as the RHU Property Officer, State Correctional Institution at Camp Hill ("SCI-Camp Hill"). If those duties are set forth in any job description or other document in writing, attach a copy of such to your answers to these Interrogatories.

RESPONSE: See job description for Corrections Officer 1, attached hereto.

3. On November 23, 1999, or at any other time in November and/or December, 1999, did Defendant Lt. Rhoades tell/order then RHU Property Officer Charlie Craig and/or RHU Sgt. Pyles not to give the plaintiff his own personal soft cover law books and/or religious books (other than a Bible) from his property boxes in the RHU property room?

RESPONSE: No.

4. If your answer to Interrogatory No. 3 is yes,

a. State in detail why Defendant Lt. Rhoades told/ordered Off. Craig and/or Sgt. Pyles such.

RESPONSE: Not applicable.

5. On April 28, 2000, did Defendant Off. Rubendall return any of the plaintiff's personal property to him, that he'd been removed from the plaintiff's RHU B2-57 cell on April 24, 2000?

RESPONSE Yes.

6. If your answer to Interrogatory No. 5 is yes,

a. State in detail the items Defendant Off. Rubendall returned to plaintiff on April 28, 2000.

RESPONSE: According to the property officer notes, the following items were returned to plaintiff on April 28, 2000: 2 shorts, 2 under shirts, 1 pair of shower shoes, 1 pair of socks, 9 inches of legal papers, 8 law books, 1 pen, and 1 handbook.

7. Was Defendant Officer Rager aware that Defendants Dragovich and Palakovich had ordered that the plaintiff be immediately given back the remainder of his legal, religious and other property that had been removed from his RHU B2-57 cell on April 24, 2000; on May 2 and

3, 2000, respectively?

RESPONSE: No, defendants Dragovich and Palakovich did not order that the remainder of plaintiff's property be immediately returned to him.

8. If your answer to Interrogatory No. 7 is yes,
 - a. State the date Off. Rager became aware of such orders;
 - b. State in detail why Off. Rager did not comply with such orders until May 12, 2000.

RESPONSE: Not applicable.

9. Is it not true that back in January, 2000, the prison Chaplain, Rev. Vogel had to conduct an investigation into why the plaintiff was not receiving his personal religious materials from his property in the SCI-Camp Hill RHU property room, based upon a letter of complaint which this plaintiff had written and sent to then Executive Deputy Security of Corrections Dr. Jeffrey A. Beard?

RESPONSE: No, there was no investigation into why plaintiff was not receiving his religious materials in January, 2000.

10. What date in November of 1999, did this plaintiff first come to the RHU at SCI-Camp Hill?

RESPONSE: November 19, 1999.

11. What date in November, 1999, did the plaintiff first get to go thru his personal property in the RHU property room at SCI-Camp Hill?

RESPONSE: November 26, 1999.

12. Was Defendant Palakovich a member of the SCI-Camp Hill Program Review

Committee ("SCI-Camp Hill Pro") back on December 1, 1997?

RESPONSE: Yes.

13. Was the SCI-Camp Hill plumbers and inmate plumbing workers ever over in the RHU working on the heating system in the RHU at any time(s) at all during the months of November and December 1999?

RESPONSE: No.

14. If your answer to Interrogatory No. 13 is yes, please state each of the date(s) he/they were in the SCI-Camp Hill RHU working on the RHU heating system.

RESPONSE: Not applicable.

15. If the RHU property officer's notes and/or plaintiff's DC-153 inmate personal property inventory form reflect that this plaintiff received property on a certain date, could such not meant that this was something legal and/or religious which came in thru the U.S. Mail for him and was sent to the RHU property officer for disposition and that the date indicated was when the RHU property officer gave such to plaintiff at his cell?

RESPONSE: The inmate's personal property inventory form does not reflect the date property arrives in the mail, but the date in which the property is given to the inmate in his cell.

16. If the plaintiff received a box or package of religious or legal material and/or books through the U.S. Mail would such usually be sent to the RHU Property Officer for disposition?

RESPONSE: Yes. Correspondence, however, is delivered to the inmate.

17. Is it true that back in November, 1999, - May 31, 2000, that if an inmate at SCI-Camp Hill filed a grievance and such grievance was rejected by the Grievance Coordinator for

whatever reason and such grievance was then returned back to the inmate unprocessed and without any grievance no. being assigned to such grievance that the prison Grievance Coordinator would not have any way to track such a grievance?

RESPONSE: Yes.

18. What is the present location and full prison address of inmate Robert Adams, #CQ-2185?

RESPONSE: Defendants object to this interrogatory because it seeks information which is privileged and not relevant to the subject matter of this action.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY: 

MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

15th Floor, Strawberry Square
Harrisburg, PA 17120
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DATE: June 1, 2001

06/01/2001 14:12 717-705-7240

S&G LITIGATION

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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN RICHARD JAE,

Plaintiff.

No. 1: CV-00-0315

1

(Judge Rambo)

KENNETH D. KYLER, individually,
and in his official capacity, et al.,

(Magistrate Judge Smyser)

Defendants.

VERIFICATION

I, Ben C. Livingood, hereby state under penalty of perjury, that I have reviewed the foregoing Defendants' Response to Plaintiff's Second Set of Interrogatories and the answers set forth therein are true and correct to the best of my knowledge, information and belief.

Ben C. Livingood
Ben C. Livingood

Executed on 6/1/01

1. Name of Employee(Last, First, MI)		2. Employee Number	Position Number			
RHOADES, William J.		600000	224314			
3. Department	Bureau	Division	Headquarters			
Corrections			SCI Camp Hill			
4. Class Title		Working Title				
Corrections Officer 3		Lieutenant				
5. Regular Work Schedule		Position Is:				
Start Time:	0800	Lunch Length:	*			
End Time:	1400	Hours/Week:	40			
*As Permitted						
Days Worked(check all that apply):						
S	M	T	W	Th	F	S
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Report to:		Name	Class Title			
		Robert E. Stottemyer	Corrections Officer 4			
		Gerald E. Kerstetter	Corrections Officer 4			
Explain any schedule variations:						
Rotating Days Off						

6. Describe the work assigned to this position, listing the critical duties and responsibilities first. Explain work in familiar terms and include machines or equipment used. Use Additional paper if needed.

A Corrections Officer 3, functioning in a Class 5 State Correctional institution, with a population exceeding 3,000 inmates, assigned to the RHU on the 6-2 shift. Duties will include the following:

Planning and Implementing the daily function of the RHU. Directing the work force assigned to the RHU. Ensure security practices, formal and informal, are adhered to in the operation of the RHU. Ensure Pennsylvania Department of Corrections and institutional policy, procedures, rules and regulations governing the RHU and institutional functions are followed and adhered to.

Develop and institute new guidelines and policies, as needed, to direct new functions of officers' duties assigned to the RHU or to cover new areas of responsibility in the RHU. Develop and Institute new guidelines in existing guidelines or policy.

Observe inmate behavior for possible irregular or negative behavior patterns, and determine a course of action to solve such problems.

Participate in non-professional counseling of inmates or situational problems associated with institutional adjustment, including matters of a personal nature.

including matters of a personal nature.

Supervise on a periodic basis inmate counts in the RHU.

Investigate and report all infractions of Inmates housed in the RHU and help develop a

ପାଇଁ କମ୍ପ୍ୟୁଟର.

infractions.

grievance or complaint, and develop a course of action to resolve the grievance or complaint.

Prepare daily reports on activities as required under Article 10 of the Pennsylvania Department of Corrections Code of Ethics.

Supervise specialist or investigative searches in the RNS for presence of contraband.

Participate in 30 day reviews of RRD inmates as a member of the Unit Management Team.

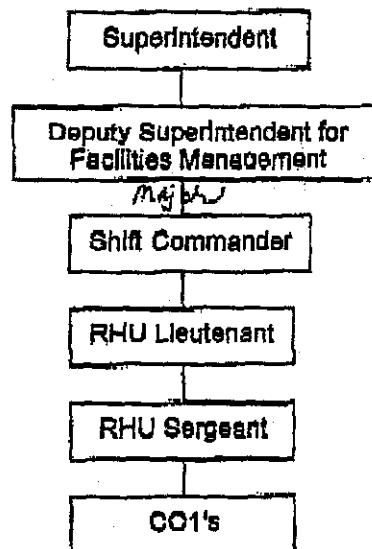
- Continued -

7. Briefly describe how work is assigned to this position and how the work is reviewed.

The 6-2 Shift Commander(s) supervises the RHU Corrections Officer 3 and the Major of the Guard administers the RHU. The Shift Commander(s) assigns general and specific duties outside the normal daily function duties assigned for this area of responsibility. The Shift Commander(s) will make daily inspections of the RHU and review duty assignments of the assigned Corrections Officer 3 to the RHU.

8. If this is a supervisory position, briefly describe how work is assigned to subordinates personnel and how their work is reviewed. (If this is not a supervisory position, leave blank)

The assigned Corrections Officer 3 in the RHU supervises the daily functions, formal and informal, of subordinates assigned to the RHU for their duty assignment. The RHU Corrections Officer 3 is responsible for reviewing all work performed by subordinates in the RHU.



9. Attach an Organizational Chart identifying all reporting relationships for this position.

10. Attach a statement identifying the essential functions of the positions.

I certify that to the best of my knowledge all statements contained within the job description are correct. This job description consists of _____ pages (count this form as 1 page).

Employee's Signature William J. Rhoades

Class _____
Title CO3 Lieutenant

Date 7/22/99

Immediate Supervisor's Signature St. R. Rhoades

Class _____
Title CO4 Captain

Date 7/20/99

Reviewing Officer's Signature Wm J. Rhoades

Class _____
Title CO5 Major of the Guard

Date 7/20/99

To be completed by the classifying authority

Approved Position Classification

Corrections Officer 3

Reviewer's Approving Signature J. R. Rhoades

Date 7-26-99

Input on DCS 8/7/99
MTB

DESCRIPTION OF DUTIES CONTINUED

RHOADES, William J.

Employee #029574

Develop recommendations for review by the Program Review Committee on inmates' conduct while housed in the RHU.

Issue discipline up to a written reprimand and recommend further disciplinary action to my supervisors. Participate in Pre-Disciplinary Conferences and recommend discipline, as needed.

Attend monthly Commissioned Officers' meetings.

JOB DESCRIPTION					
1. Name of Employee (Last, First, MI) [REDACTED]			2. Employee Number [REDACTED]		Position Number 170943
3. Department Corrections	Bureau	Division	Headquarters SCI Camp Hill	Organization 1500	
4. Class Title Corrections Unit Manager			Working Title	Class Code 47470	
5. Regular Work Schedule			Position is: <input checked="" type="checkbox"/> Full Time <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Part-Time <input type="checkbox"/> Temporary		
Start Time: 0800	Lunch Length: 30 Min.	End Time: 1630	Hours/Week: 40	Reports to: Name J. R. Carey Class Title Major of the Guard	
Days Worked (check all that apply): S M T W Th F S <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>			Explain any schedule variations: As Directed		

6. Describe the work assigned to this position, listing the critical duties and responsibilities first. Explain work in familiar terms and include machines or equipment used. Use Additional paper if needed.
- Ensure the Department of Corrections, institution's, and unit's mission, administrative directives and policies are properly enforced. Also, issue interpretation of administrative directives and mission statement whenever confusion arises.
- Maintains and updates Unit Manager's manual including directives, policies and procedures that are unique to a specific unit.
- Makes daily rounds and inspections of the unit to ensure the proper security and treatment procedures are being implemented. Ensure that staff are alert and adhere to institution and unit policies and procedures, taking into consideration unit maintenance, medical services, treatment programs, food services, unit cleanliness, inmate activities and privileges.
- Responsible for the total effective unit operation by supervising Sergeants, CO1's, all assigned treatment staff, and approximately 200 to 250 inmates. Supervision includes input in evaluating job performance.
- Develop and maintain programs specific to the unit's purpose taking into consideration security practices, inmate needs, institutional and departmental primary objectives of care, custody and control of inmates.
- Stay abreast of new and changing correctional ideas and philosophies.
- Resolve inmate grievances at the first step, if possible, or submits them to the Grievance Coordinator for further action.
- Assist in formal counseling of inmates with adjustment problems as per established Department of Corrections, institutional and unit policy.
- Submits bi-monthly reports to the Major of Unit Management using established forms.
- Attends weekly Unit Manager meetings to discuss unit problems and to coordinate various programs with other Unit Managers.
- Plan, organize and assign duties to subordinate staff relative to their assignments in the housing units.
- Conduct regular security, safety, and fire inspections of each housing unit to include cell searches and complete cell block searches.

- Continued -

7. Briefly describe how work is assigned to this position and how the work is reviewed.

The Major of Unit Management assigns work with added direction via the telephone or on an as needed basis. The Deputy Superintendent conducts regular inspections of the housing units to ensure that directives, policies, procedures and orders are followed and carried out.

8. If this is a supervisory position, briefly describe how work is assigned to subordinate personnel and how their work is reviewed. (If this is not a supervisory position, leave blank)

Work is visually monitored of the subordinates' work post. Supervision is done by writing memorandums, conducting meetings, and reviewing misconducts, Incident reports, and work orders completed by subordinates. Conduct regular housing unit tours and inspections to ensure staff are performing their duties according to institutional and departmental policy. Evaluate staff on their job performance through annual performance evaluation reports.

9. Attach an Organizational Chart identifying all reporting relationships for this position.

10. Attach a statement identifying the essential functions of the positions.

CERTIFICATION

I certify that to the best of my knowledge all statements contained within the job description are correct. This job description consists of _____ pages (count this form as 1 page).

Employee's
Signature

Class CIV
Title Unit Manager

Date 5-2-01

Immediate Supervisor's
Signature

Class _____
Title Major of the Guard

Date 5-02-01

Reviewing Officer's
Signature

Class CIV
Title Deputy Superintendent

Date 5-21-01

To be completed by the classifying authority

Approved Position Classification

Correction Unit Manager

Date

5-8-01

Reviewer's Approving Signature

[Signature]

DESCRIPTION OF DUTIES CONTINUED

STEVENS, Robert C.

Employee # 089538

Review misconducts, Incident reports, work orders and Internal store orders before they are processed.

Conduct fact findings and issue discipline up to a written reprimand or recommend a Pre-Disciplinary Conference, depending on the severity of the offense.

Participate in Pre-Disciplinary Conferences and recommend discipline, as needed.

Investigate Union grievances relative to your area of responsibility for presentation at local grievance hearings.

Any other duties as assigned by the Major or Unit Management, Deputy Superintendent or Superintendent.

Any related duties as assigned.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HARRISBURG

DIVISION

JOHN RICHARD JAMES
PLAINTIFF

CIVIL NO. 1:CK-00-
U.S. DISTRICT Judge RA
U.S. Magistrate Judge SA

v/s

KENNETH D. KYLE,
JOHNA PALACIOCH,
LT. W. RHODES and
MARVIN L. DRAGOVICH,

Defendants.

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PLAINTIFF'S REQUEST FOR ADMISSIONS

Pursuant to Rule 36, Fed. R. Civ. P., Plaintiff requests the Court to make the following admissions within 30 days after the service of this

1. Plaintiff was denied his own personal softcover in the RHD here from November 26, 1999 to February 13, 2000.

2. Plaintiff was denied his own personal religious materials here from November 26, 1999 to January 8, 2000 (or there about).

3. On November 21, 1999, a Plexiglass shield/covering was over Plaintiff's Cell Door.

4. That, this was done due to Plaintiff's exercise of his First Amendment Rights to Freedom of Speech in talking to other inmates, as an officer also he was yelling.

5. That, Plaintiff was denied his Rights to shower on November 26 & 29, 1999, & on December 3, 6 & 13, 1999.

6. That, Plaintiff was denied yard/outside exercise on November 26 & 29, 1999.

7. Plaintiff was denied restriction on November 26 &

8. That, back in November and December, 1999, there was no "written" DOC, SCI-Camp Hill non RHU Policy prohibiting inmates in the RHU or DC-Status from possessing them a softcover Personal Law Books.

9. That, back in November and December, 1999, the RHU main Library here at SCI-Camp Hill did "not" contain the Law Books, Cite books, The Law of Sentencing, Corrections and Prisoner Rights Nutshell, Appellate Advocacy in a Nutshell, Secret Tools For Post Conviction Relief and/or THE 55-Pg. Code Public Welfare Chapters Mental Health Procedures Pamphlet, etc.

10. That, DC-ADM #801-VI-D-5, & DC-ADM #801-VI-D and DC-ADM #801-2, & Policy Directives of the Pennsylvania Department of Corrections apply to SCI-Camp Hill.

11. That, Defendants Kyler, Palakovich and Dragovich are all required to follow and enforce DC-ADM #801-VI-D-5, & DC-ADM #801-VI and DC-ADM #801-2, & here at SCI-Camp Hill.

12. That, sometimes when RHU inmates become too noisy, RHU staff will cancel showers and yard for all RHU inmates on the Upper and /or on the Side of the RHU where inmates being too noisy & loud even though not at all inmates are being too loud:

RESPECTFULLY SIGNED
(S) — *John Richard*
MR. JOHN RICHARD
Plaintiff and Pro Se

Dated: 11th APRIL 2000 =

MR. John Richard D
#BR-3219
SCI - Camp Hill
P.O. Box 200

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN RICHARD JAE,	:	
	:	
Plaintiff	:	
	:	
v.	:	No. 1:CV-00-0315
	:	
KENNETH D. KYLER, individually, and : in his official capacity, <u>et al.</u>,	:	(Judge Rambo)
	:	
Defendants	:	(Magistrate Judge Smyser)

DEFENDANTS' RESPONSE TO PLAINTIFF'S REQUEST FOR ADMISSIONS

Defendants, by their counsel, respond to plaintiff's requests for admissions as follows:

1. DENIED.
2. DENIED.
3. ADMITTED.
4. DENIED, except that it is admitted that the plexiglass shield was placed on plaintiff's cell door because he was yelling and disrupting the cell block.
5. It is ADMITTED that on November 26, 1999, plaintiff was on restriction and denied a shower. Otherwise this paragraph is DENIED.
6. It is ADMITTED that on November 26, 1999, plaintiff was on cell restriction and denied yard. Otherwise this paragraph is DENIED.
7. It is ADMITTED that on November 29, 1999, and December 3, 6 and 13, 1999, plaintiff was not on cell restriction. Otherwise this paragraph is DENIED.
8. It is ADMITTED that in November and December 1999, DC-ADM 801-2 was in effect and allowed inmates to maintain religious, as well as legal materials, in one (1) records center box.

9. It is ADMITTED that no books with the titles listed in this request for admission are retained in the RHU mini law library.

10. It is ADMITTED that DC-ADM 801 is applicable to SCI-Camp Hill, as well as the other state correctional institutions.

11. Because this request is unclear, defendants can neither admit nor deny it. See answer to request for admission Number 9.

12. ADMITTED.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

15th Floor, Strawberry Square
Harrisburg, PA 17120
PHONE: (717) 783-6896
FAX: (717) 772-4526

DATE: June 27, 2000

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff,

: No. 1: CV-00- 0315

v.

KENNETH D. KYLER, individually,
and in his official capacity, et al.,

: (Judge Rambo)

: (Magistrate Judge Smyser)

Defendants.

DEFENDANTS' SUPPLEMENTAL RESPONSE TO
PLAINTIFF'S REQUEST FOR ADMISSIONS

Defendants, by their counsel, hereby supplement their response to plaintiff's request for admissions as follows:

11. That defendants Kyler, Palakovich and Dragovich are all required to follow and enforce DC-ADM 801. VI. D. 5, DC-ADM 801. VI. D.8 and DC-ADM 801-2.

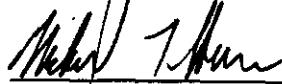
RESPONSE: It is admitted that, under the policy of the Pennsylvania Department of Corrections, defendants Kyler, Palakovich and Dragovich are generally required to follow and, where appropriate, enforce DC-ADM 801. VI. D. 5, DC-ADM 801. VI. D. 8 and DC-ADM 801-

2. It is denied that defendants are required to follow or enforce these sections by federal or state law.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

**15th Floor, Strawberry Square
Harrisburg, PA 17120
PHONE: (717) 783-6896
FAX: (717) 772-4526
DATE: September 12, 2000**

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,
Plaintiff,
vs.

CRPI No. 1-CR-00-03
U.S. District Judge
Magistrate Judge Smyth

KENNETH D. KYLE,
JOHN A. PALAKOVICH,
LT. WILLIAM J. RHODES,
MARTIN L. DRAGOVICH,
OFFICER RUBENDALL and
OFFICER RABER,
Defendants.

AFFIDAVIT OF PLAINTIFF JOHN RICHARD JAE

I, Plaintiff John Richard Jae, do se Cansel, hereby aff
\$declare under penalty of perjury \$pursuant to 28 U.S.C.

1. On November 19, 1999, Plaintiff John Richard Jae
taken to & placed in the Restricted Housing Unit
(RHU) at SCI-Camp Hill, where I remained until
6, 2000 and I was again placed & confined in the
HILL RHU from July 18, 2000, — October 24,

2. On November 26, 1999, Defendant Lt. Rhoades told RHU Property Officer Greg \$RHU Sgt. Ryler not to give me my personal law books as the PR had not approved such for me yet.
3. On November 29, 1999, I wrote and sent an Inmate Request Form to the P.R.C. (Defendant Palakovich) requesting them in writing that they approve my personal soft cover law books for me.
4. On December 1, 1999, I verbally discussed the above-matter with Defendant Palakovich, Deputy Super Facility Management and Program Review Committee and verbally requested that he approve me my own softcover lawbooks for me.
5. On December 1, 1999, Defendant Palakovich, after discussing me, illegally denied me my own personal softcover lawbooks while I was in the RHU.
6. Also, on November 30, 1999, I wrote a written form to Defendant Kyler, Superintendent, complaining thereof being denied my own personal law books herein the RHU among other things.
7. However, Defendant Kyler never responded back to me in my 130-page letter to him. I am sure he did not attempt to inform Defendant Kyler about my request for my personal law books.

Rhoades refused to do his job & refused to listen to and/or discuss this matter with me then here.

9. That, also on December 1, 1999, I verbally discussed the matter of the denial of my religious materials with Defendant Palak & reminded him of Doc Riley, DC-ADM #801-2, on such & specifically asked him to order the RHU Staff to give me my religious mate-

10. That, on December 1, 1999, Defendant Palakovich, after discussing me, illegally failed to order RHU Staff to give me my religious mat although he had the legal responsibility & authority to do so and that I wrote & complained about such to Defendant Kyler, he likewise failed to do anything about such, although he could have.

11. That, DC-ADM #801-2, of August 16, 1995, specifically permits RHU Inmate on Disciplinary Custody Status, such as I was then then to have his religious as well as legal materials in the one (1) Records of all available property in his RHU Cell.

12. That, altogether as to this, I was illegally denied my personal softcover law books from November 26, 1999, - February, and was also illegally denied my Religious Materials from November - January 30, 2000.

13. That, the personal softcover law books I was illegally denied during the above-referenced time period were: The Crib: The Law of Corrections, Sentencing and Prisoner's Rights In A Nutshell, Advocacy In A Nutshell, Secret Tools for Post Conviction Relief, Prisoner's Self-Help Litigation Manual (n) Pm Pm, Procedure In A Nutshell, Federal Rule S

CIVIL Procedure Pamphlet, Federal Rules of Appellate Procedure
Pamphlet, U.S. Constitution Pamphlet, Pa. Constitution Pamphlet,
Title 25. Pa. Code Public Welfare Chapter 550 - Mental Health
Procedures, all of which were "not" contained nor available
the SCI-CAMP HILL RHUMPT LAW LIBRARY during the above-referred time

14. That, the personal Religious materials which I was
illegally denied during the above-referred to time period at
my Daily Guide Book 2000, my STRONG'S EXHAUSTIVE CONCORDANCE
Bible, my SMITH'S BIBLE DICTIONARY and my DISCOVERY SERPAS BIBLE STUDY B

15. That, the denial of my own personal soft-cover Law Books
placed me at extreme risk of missing a court-ordered filing
in one or more of my active/pending state & federal Criminal
Court cases & if I am preparing a legal pleading in one of such
cases & I need to look up a Court Rule and/or some legal information
/research a case off the Internet/PSL from one or more of my personal
then I was unable to do so as I did "not" have access to possess
such personal law books as the Defendants denied such

16. That, the denial by the Defendants of my PERSONAL STRONG'S
EXHAUSTIVE CONCORDANCE OF THE BIBLE, SMITH'S BIBLE DICTIONARY
DISCOVERY SERPAS BIBLE STUDY BOOKLETS and DAILY GUIDE
RELIGIOUS MATERIALS illegally denied me my RELIGIOUS MATERIALS
which I need & use for my RELIGIOUS STUDY to me to
further information on different SUBJECTS TOPICS
verses / chapters of the BIBLE and

meditational/Devotional Time in communing with God and
a daily religious study and Devotional/meditation Time is cr-
to the very foundation of my religious beliefs and that without
Strong's Exhaustive Concordance of the Bible, Smith's Bible Dict.
Discovery Series Bible Study Booklets and Daily Guidepost 2000 Re-
materials, I had no religious study/devotional material & was una-
& was denied my daily religious study and devotional/meditation
in violation of the basic tenets at the very foundation of my religi-

17. That during the same above-referred time period I on
the Prison Protestant Chaplain 3 or 4 times if even that man

18. That, on November 26, 1999, & on December 3, 6 &
was illegally denied my shower by Defendant Lt. Rhoades &
officers, based upon other RHU inmates making too much noise &
the RHU, although I was at my cell door already for showers.

19. That, when I complained to Defendants Tyler & Lakovich
they did nothing about such, although they both could have

20. That, the denial of my shower in the above-referred to
me to develop skin sores from not being able to shower & thus
clean & wash my body.

21. That, on November 26, 1999, I was illegally denied my
exercise/recreation time(s) by Defendant Lt. Rhoades & the RHU of
upon other RHU inmates making too much noise & disrupting the
I had signed up for such on each above date when the sign-up

22. That, when I complained In writing to Defendants
kyler & Palakovich about such, they did nothing, although they both could have.

23. That, on November 21, 1999, a Plexiglass Covering/shield were
placed over my cell door by RHU officers, thus causing over ventilation
and excessive heat In my RHU Cell.

24. That, this was done In retaliation for my exercise
of my First Amendment Rights to Freedom of Speech.

25. That, I complained verbally and/or In writing to Defendants
kyler, Palakovich & Rhoades about this, but they did nothing at
about such, although they each could have.

26. That, I was "not" yelling & disruptting the RHU on
November 21, 1999, and it was documented In writing in
Prison Medical Files that I am part deaf and hard of hearing
In my right ear & that I talk loud as a result.

27. That, on December 1, 1999, Defendant Palakovich & the other
members of the P.R.C. improperly told Defendant Lt. Rhoades
RHU officers not to open up any of the RHU windows, but to leave the
RHU windows open.

28. That, this caused the tempature In the RHU & In the RHU
to become excessively hot & abund/des to 100° (F) not hotter) &
me to suffer & sweat excessively & uncessantly & be extremely
physically & mentally.

29. That, when I wrote & complained to Defendant kyler about
failed to respond back to me and/or do anything at all about such, although
both the legal Recom of the RHU & authority to do so & he further complained

30. That, on about January 10, 2000, Defendant Dragovich replaced Defendant Tyler as the Superintendent at SCI-Camp 1.

31. That, on January 12, 2000, Defendant Dragovich also illegally me my own personal soft cover law books in the RHU at SCI-Camp 1.

32. That, on April 23, 2000, I had a mental health response to kill myself by swallowing nine (9) open staples from Legal Work/Legal Materials in my RHU B2-S7 cell, began to up blood & had to be taken out to the Emergency Room of Spring Hospital Camp Hill, PA.

33. That, as a direct result of the above, DR. Martin Medical Director there, ordered that all of my legal, Religious Personal Property which I had in my B2-S7 cell, be removed from & checked for staples which were to be removed & then all of property from my RHU B2-S7 Cell was to be returned to me next day (April 24).

34. However, Defendant OFFICER Ruben Hall (the SCI-Camp Property Officer) did not comply with DR. Lasky's order & staples from & return all of my property from my RHU B2 to me on April 24, 2000, before he left for the day at 4:00 P.M.

35. At approximately 4:30 P.M. on April 24, 2000, I was placed in handcuffs, a black box, a steel wristchain & a padlock on the outside door, off of Psychiatrist, as he had been told that I was banging my cell wall, & I remained in such restraint until Thursday, April 26,

36. On Thursday, April 27, 2000, Dr. Clark ordered that I be given back all of my legal, Religious & my other property from my BQ-57 Cell on the next day (April 28, 2000).

37. However, again Defendant RHU Property Officer Rubendall did not obeyed this order of Dr. Clark's also I only got about 1/2 of my legal property, my 12 Shirts, some Undershirts and a couple law books of mine back then he failed to my Bible & the rest of my legal papers & law books which were the ones I really need to enable me to complete a legal pleading which was due to be filed in this Federal Court in Jae vs. Laskay, CR# CK-99-166, by May 8, 2000, which he was aware of as I had verbally informed him of such then on this date of April 28, 2000.

38. That, then when I spoke with Defendant Dogovich on May 2, 2000, about the foregoing & the legal pleading I filed in Jae vs. Laskay, CR# CK-99-166, by May 8, 2000, after Dogovich ordered that I be given the remainder of my Legal, Religious & other Property which had been taken from my BQ-57 cell back to me.

39. That, because I still had not received such legal, Religious property back heretofore, on May 3, 2000, I discussed such with Defendant Deputy Superintendent Polakovich at my BQ-57 cell & Defendant Polakovich also ordered all of my Legal, Religious & other Property from my RHU BQ-57 cell be immediately returned to me.

40. Defendant Officer Roger P is the RHU officer who gets the Property Officer Rubendall with RHU Inmates/Property from my RHU on April 12, 2000, he was the RHU officer processing property, when he was working as Defendant RHU Property Officer Rubendall was away on

leave during this above-referred time frame & Rager
was the one who received Defendants Dragovich's & Palakos
orders to return my property to me as stated above.

41. That, Defendant Rager failed to follow & comply with the
above-orders of Defendants Dragovich's & Palakos & did not actually return
most of my Legal, Religious & other Property back to me until May 12, 2000,
causing me to miss my court-ordered Filing Deadline for the legal P.
Case vs. Lackey, CRIN No. L-CK-99-16, of May 8, 2000, which he, too, was aware
I told him of such.

42. That, this here two week delay in the return of most of my
materials & Law Books by Defendants Rubendall & Rager, also cause
be an increased risk of missing filing deadlines in my other State
Courts cases & at least, delaying the filing of pleadings in such cases
because I did not have the Case Files in such other cases only
I am preparing a legal pleading in one of such other cases &
look up a Court Rule and/or some legal information/research a
certain topic/issue from one or more of my personal law books,
unable to do so as I did "not" have access to possession of such
law books or files as Defendants Rubendall & Rager had disobeyed their
return all of such back to me.

43. That, this here two week delay in the return of all of my
materials completely denied me my rights to ~~the~~ freedom to practice
religion of my choice, as I had been illegally denied access
to religious materials by Defendants Rubendall & Rager & I did
not see any Chaplains at all during such two
time period.

44. That Defendants Drago & Pich and Palakovich failed to honor their orders of May 2 \$3,2000, although I wrote to each of them on May 4, 2000, & advised them of Defendant Roger's failure to honor their orders & that I was about to miss my May 8, 2000, filing deadline of which I had informed them both on May 2 & that FBI did miss such I would give & they both still failed to do anything about such & this they both also caused me to miss my filing deadline of May 8, 2000.

45. By failing to enforce their orders of May 2 \$3,2000 for the return of such Religious property of mine (my Bible Study Pamphlets), Defendants Drago & Pich & Palakovich compounded the delay of such, as well as compounded the violation of my Religious Freedom Rights as to such.

46. On May 31, 2000, I verbally informed Defendant Deputy Palakovich at my 30-day PRC Review that I am being transferred to the SAU at SCI-Wayman on Tuesday, June 6, 2000, & that I have Religious Materials as well as Legal Materials down in my RHU Property Boxes that I want to take with me to Wayman & could I have such before my transfer.

47. That, Defendant Deputy Palakovich then replied,¹¹ "You'll be lucky to get your legal materials to take with you." Quoted/End quote.

48. Also, on November 26, 1999, I was denied my personal Bibles & Books from my stored property by Defendant Lt. Roger

49. That, Plaintiff avers & States that, just because it is indicated on the RHU Property Officer's Notes on my property that on the date listed that legal and/or Religious materials (property) was exchanged does "not" necessarily mean that I actually went down stairs to the RHU Property Room to go through my stored property boxes & exchange legal and/or Religious materials (property). It could also mean and refer to the times when the RHU Property Officer would bring me up legal and/or Religious materials & I would give him some from my cell for those ones and/or when something came in through the mail for me & he brought such up to me. The only dates that I actually went down stairs to the RHU Property Room to go through my boxes of stored property & exchange legal and/or Religious materials was on 11-26-99, 13-00, 2-13-00, May 2000, and on May 25, 2000, all other dates indicated on the Property Officer's Notes was when he brought legal and/or Religious materials to my cell to exchange for some of the ones in my cell.

50. That, I either have fully exhausted my "available" administrative remedies to all issues & claims raised in this case in the complaints, or attempted to exhaust such [REDACTED] administrative remedy [REDACTED] but I was illegally prevented from doing so by the Defendants' Governance Council Ben C. Livingood, at SCI-Camp Hill.

I, Plaintiff & As Se Causel John Richard Jare, hereby affirms under penalty of perjury to 28 U.S.C. § 1746, that the above foregoing is true & correct to the best of my knowledge, information and belief!:

Signed this 2nd day of October, 2001 (s) —————
Executed At: Waynesburg, Pennsylvania

John Richard Jare
MR. JOHN RICHARD JARE, APP
#BQ-3219
SCI-Greene/SMV
175 Progress Drive
Waynesburg, PA-15370-8008
Plaintiff and As Se Causel

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff,

vs.

KENNETH D. KYLE,
JOHN A. PALAZOZICH,
Lt. WILLIAM JR RHODES,
OFFICER RUBENDALL and
OFFICER RAGER,

Defendants.

CIVIL No. 1:CK-00-

v.s. District Judge Ram

Magistrate Judge Smyth

PLAINTIFF'S STATEMENT OF DISPUTED MATERIAL FACTS

Plaintiff John Richard Jaegers, deposes & states, under penalty of perjury & pursuant to 28 U.S.C. §1746, that, Defendants have moved for Summary Judgment herein the above entitled CIVIL RIGHTS ACTION. Pursuant to Local Rule M.D.L.R. 56.1 of this Court, the Plaintiff submits the following list of genuine issues of disputed material facts that require the denial of Defendants summary judgment motion, heretofore this case.

- 1 - Whether Defendant Lt. Rhoades under the PHU #8 officer & RHU Sergeant not to give this Plaintiff his personal softcover Lawbooks or his own Religious materials other than a Bible, on November 26, 1999?

2. Whether Defendant Palakovich Denied Plaintiff his personal software Law Books on December 1, 1999?
3. Whether Defendant Lt. Rhoades denied Plaintiff his Religious materials on December 1 & 4, 1999?
4. Whether Defendant Palakovich denied Plaintiff his Religious materials on December 1, 1999, by failing to order the RHU staff to give such to Plaintiff?
5. Whether Plaintiff was denied his own personal Software Books from November 26, 1999, - February 13, 2000?
6. Whether Plaintiff was denied his own religious material other than a Bible from November 26, 1999 - January 30, 2000?
7. Whether Plaintiff had an opportunity to get his other religious materials from his property on November 26, 1999?
8. Whether Plaintiff was denied a shower on November 26 on December 3, 6 & 13, 1999?
9. Whether Plaintiff was denied outside exercise/recreation on November 26 & 29, 1999?
10. Whether Plaintiff was yelling and disrupting the RHU on November 21, 1999?

11. whether Plaintiff's cell was extremely hot in November and December, 1999?
12. Whether the placing of the plexiglass over the Plaintiff's cell door caused poor ventilation in the Plaintiff RHU cell?
13. Whether Defendants have prohibited the Plaintiff from exchanging his legal and religious materials every 30 days from his stored property in the RHU?
14. Whether Plaintiff attempted to exhaust his available Prison Administrative Remedies?

(S) — John Richard JAE
MR. JOHN RICHARD JAE
#BQ-3219
SCI-Greene/SMV
175 Progress Drive
Waynesburg, PA 15370-8

Dated/Executed on:

1st OCTOBER 2001

At: Waynesburg, Pennsylvania

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,
Plaintiff,
vs.

CR. # No. 1-LOCK-002
U.S. District Judge
Magistrate Judge Smo

KENNETH D. KYLER,
JOHN A. PALAKOZICH,
LT. WILLIAM J. RHOADES
MARTIN L. DRAGOVICH,
OFFICER RUBEN ALLAND
OFFICER RAGER,
Defendants.

PLAINTIFF'S DECLARATION IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND DEFENDANTS' STATEMENT OF UNDISPUTED FACTS

Plaintiff John Richard Jae, pursuant to M.D.L. No. D-LR56-1, non-filer's Plaintiff's Declaration in Opposition to Defendants' Motion for Summary Judgment and Defendants' Statement of Undisputed Facts, herein the case & averse, deposes & states:

A. Plaintiff's Opposition to Defendants' Motion for Summary Judgment

That, he opposes Defendants' Motion for Summary Judgment, herein, based upon that which he states, argues, forth in his accompanying Plaintiff's Brief, Opposition to Defendants' Motion for Summary Judgment and Memorandum Law In Support, submitted herewith.

B. Plaintiff's Opposition to Defendants' Statement of Undisputed Facts

1. Plaintiff, by way of response, states that he admits/does not dispute/oppose Paragraph No. 1, of Defendants' Statement of Undisputed Facts, except that he disputes that he was transferred to the Restricted Housing Unit on November 19, 1999, as the date that the Plaintiff was transferred to the Restricted Housing Unit at SCI-Camp Hill was November 19, 1999, May 19, 1999, as Defendants claim/state.

2. Plaintiff, by way of response, states that he admits/does not dispute/oppose Paragraph No. 2, of Defendants' Statement of Undisputed Facts, except he admits/does not oppose that the Plaintiff was placed on Plaintiff's cell door on November 21, 1999. Further Plaintiff avers & submits that, he was both yelling & disruptin cell block, on November 21, 1999, as he was talking to other inmates RHU in a tone of voice which is normal for him as he talks he is partly deaf & hard of hearing in his right ear, which is in writing in his prison medical records/PTL-e-11

3. Plaintiff, by way of response, states that he admits/does not dispute/oppose Paragraph No. 3, of Defendants' Statement of Undisputed Facts.

4. Plaintiff, by way of response, states that he admits/does not dispute Paragraph No. 4, of Defendants' Statement of Undisputed Facts.

1/ See Plaintiff's Exhibit I-3-, of the accompanying Exhibit of Exhibits, which is the RHU Asperity officers Note on 3/16/00, where he notes he returned my

disputes, as untrue, any indication that Religious materials and/or legal materials exchange was permitted to him for 30 days in the SCI-camp HCUA.

5. Plaintiff, by response, states that he disputes paragraph No. 5, of Defendants' Statement of Undisputed Facts. Plaintiff avers that he disputes/opposes such paragraph No. 5, because Defendants "knewingly, willfully & maliciously committed them, as Plaintiff was "not" on cell restriction on November 1999, a fact which Defendants have previously admitted, herein this case, & although it is true that Plaintiff was denied a shower & yard on November 26, 1999, and he disputes/oppose that.

6. Plaintiff, by response, states that he admits/does not paragraph No. 6 of Defendants' Statement of Undisputed Facts.

7. Plaintiff, by response, states that he disputes/opposes paragraph No. 7, of Defendants' Statement of Undisputed Facts. Plaintiff avers disputes/opposes such Paragraph No. 7, because that stated those untrue, as this Plaintiff "was" indeed actually prohibited from performing the exchange procedure and obtaining any legal or Religious books from his stored property, given the facts that the Defendants denied own personal softcover law books from November 26, 1999 - February 2000 and also denied him his Religious materials from November 26, 1999, January 3,

H cont'd. to me and why would I have a hearing aid medically present if I was not deaf/hard of hearing in my right ear?

2/ see Defendants' Answers to Plaintiff's first set of Interrogatories No. 6.

fact that I was not actually taken down stairs to the RHU Property Room to go through my stored property as required by DOB Policy, except on November 26, 1999 and on January 30, 2000, & then again on February 13, 2000, March 16, 2000, & on May 29, 2000.³¹ Furthermore, Plaintiff avers that it is true, as Defendants claim, that I was not prohibited from following the exchange procedure and obtaining any legal or religous books or papers from his stored property, then how come Plaintiff denied his personal law books from 11-26-99 — 2-13-00 his religous books/materials from 11-26-99 — 1-30-00 why did Plaintiff not go down stairs to the RHU Property to exchange his legal and religous materials for all 2½ months from March 16, — May 25, 2000, as "is" by the RHU Property Officer's Notes, although he requested such? This "is" proof that the Defendants "is" in the statement of Undisputed Facts, at paragraph No. 7.

8. Plaintiff, by response, states that he disputes Paragraph No. 8, of Defendants' Statement of undisputed because such "is" untrue, as in November and December Plaintiff's cell "was" excessively hot.

(w) HEREBY, Plaintiff and Pro Se Counsel John Richard
Jare, affirms & declares under penalty of perjury
and pursuant to 28 U.S.C. §1746, that the foregoing is
true & correct to the best of his knowledge, information and
believe.

RESPECTFULLY SUBMITTED
(S) — John Richard Jare

MR. JOHN RICHARD JARE,
#BQ-3219
SCI-Greene/SMU
175 Progress Drive
Waynesburg, PA. 15370-8

Plaintiff and Pro Se Counsel

Dated/Executed on =

1st OCTOBER 2001

At Waynesburg, Pennsylvania

INMATE PERSONAL PROPERTY INVENTORY				COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS				
<input type="checkbox"/> Transfer	<input checked="" type="checkbox"/> Hold	<input type="checkbox"/> Initial Disposition	<input type="checkbox"/> Other	Method of Disposition S-Ship R-Return to Inmate D-Destroy H-Hold for inmate				
DC Number	Name			A 134708				
BQ 3219	JAE							
CLOTHING & ACCESSORIES				TOBACCO ITEMS		MISCELLANEOUS ITEMS		
ITEM	NO. METH.	ITEM	NO. METH.	ITEM	NO. METH.	ITEM	NO. METH.	
Ath. Shorts		T-Shirt		Ash Tray	1	Bag-Laundry	1	Playing Cards
Ath. Supports		Undershirt	6	Cigarette Papers		Basin		Posters
Belt		Undershorts	5	Cigarette Roller		Batteries		Religious Books
Cap STATE 1		Underwear Bot.	1	Cigarettes-Car.		Books	31	Religious Mat.
Coat		Underwear Lg.		Cigarettes-Pkg.		Bucket		Religious Metal
Coat-Rain		Underwear Top		Cigars		Carbon Paper	24K3	Rug
Coat-Top		Vest		Lighters		Checkers		Ruler
Gloves		GROOMING ITEMS		Matches		Chess		Spoon
Handkerchief		ITEM	NO. METH.	Pipe	2	Cup	1	Tablet Paper
Hat STATE 1		Brush		Pipe Cleaners		Dictionary	4	Thread
Jacket		Comb	1	Pipe Filters		Earphones		Tissue
Overcoat		Dental Floss		Tobacco-Chew		Envelopes STATE 10		Tub
Pajamas		Denture Cup		Tobacco-Cig.		Erasers		Typing Paper
Robe		Dentures		Tobacco-Pipe	1	Extension Cord		Wallet
Scarf		Deodorant		Tobacco-Pouch		Eyeglass Case		Wastebasket
Shirt		Hair Dressing		Tobacco-Snuff		Eyeglasses	1	Writing Paper
Shoe Brush		Hair Pick		FOOD ITEMS		Eyeglasses-Sun	1	LGL enviro 105 photo TD
Shoe Polish		Lotion-Shave		ITEM	NO. METH.	Glass		
Shoes-Boots	1/2	Lotion-Body		Candy-Bar		Gym Bag		
Shoes-Dress		Lotion-Hand		Candy-Bars		Headset		
Shoes-Over		Mirror	1	Chips		Key Ring		
Shoes-Shower	1 PR	Nail Clippers	1	Coffee		Keys		
Shoes-Sandal		Petroleum Jelly		Cookies		Lamp		
Shoes-Sneakers		Razor		Crackers		Legal Books	32	
Shoes-Tennis		Razor Blades		Creamers		Legal Material	ALL	
Shoes-Work		Shampoo		Drink Mix		Lock		
Shower Cap		Shaving Cream		Hot Chocolate		Loose-leaf Bnd.		
Slippers		Soap		Peanuts		Magazines	10	
Socks	2 Pairs	Soap Dish		Pretzels		Neck Chain		
Suit		Talcum Powder		Sugar		Needles		
Sweat Belt		Toothbrush	1	Tea		Notebook		
Sweat Pants		Toothpaste	1			Pencils		
Sweat Shirt	1	Towel				Pencil Shrp.		
Sweat Suit		Tweezers				Pens	2	
Sweaters		Washcloth				Photo Album		
Tie		FOLDERS 16				Photographs		
Trousers	BISMARCK 1	ITEM	DESCRIPTION OR SERIAL NO.	NO. METH.	ITEM	DESCRIPTION OR SERIAL NO.		
Briefcase	PAPER			4	4 Legal Boxes Containing All Legal And All Miss Paper All papers Limited By Thomas JAE.			
Calculator					3 Library Books Returned to Library 1- ANNE PETTY we			
Footlocker	NO TV				2- Prince Charming			
Guitar					3- The 10th Commandment			
Guitar Case	NO Jewelry				Craig 12-20-99 Exchanged legal Mater			
Guitar Strings					Region 12-24-99 1 Hot Bit Book Placed in Prop			
Medical Bracelet					Region 2-13-00 Exchanged legal material			
Radio # 990626 PAN W/Cord	1				Region 3-14-00 3y or Box Standard Infra Term			
Ring					Region 2-15-00 1/2 of White Pipe given to inma			
T.V.								
T.V. Antenna								
Typeewriter								
Typewriter Case								
Watch								
MAIL TO	4 Boxes			Articles marked "S" mailed (signature and title)			Date	
ID CARD								
The property described above was inventoried and processed as indicated				The property above was received and processed				
Signature of Property Officer		Signature of Inmate		Signature of Property Officer		Signature of Inmate		
SCJC		11-23-99		SCJC				
Institution		Date		Institution		Date		

WHITE--DC-15 AFTER ALL PROCESSING COMPLETED
PINK--SENDING INSTITUTION COPY OR MAIL ROOM

CANARY—INMATE COPY AFTER ALL PROCESSING COMPLETED
GOLDENROD—INMATE COPY WHEN ITEMS ARE INVENTORYED

EXCHANGED ROL & LEGAL PAPER
1-30-00 Rundall

ISSUED 20 SHEETS OF TYPING
PAPER PER LT FUNK

2-29-00 Rundall
2-13-00 PROPERTY EXCHANGE RUNDALL

3 BROWN FILE BRIEFCASE (CARDBOARD)
PLACED IN PROPERTY 3-10-00
Rundall

3-16-00 LEGAL & ROL EXCHANGE RUNDALL
RETURNED 3 RELIGION BOOKS WANTED

RUNDALL 3 IN PLACE WHEN THEY COME IN
3-21-00 PLACED MARCH ISSUE OF GLOBE IN PLACED
4-22-00 GLOBE PLACED IN PLACED RUNDALL

4-22-00 PLACED EYE GLASSES IN PROPERTY RUNDALL

4-28-00 STARTED REMOVING STAPLES FROM
ALL OF JAMES CELL PROPERTY (PER
LT RUNDALL)

5-3-00

RETURNED 6"
OF LOOSE LEGAL
PAPERS, HE NOW

~~HAD 12" OF LEGAL~~
RETURNED ~~12"~~

~~12" OF LEGAL~~
TO REC 5-12-00

Rager

4-28-00 RUNDALL

2 SHORTS
2 UNISEX SHIRTS
1 PR SHOELACE SHOES
1 PR SOCKS
9" LEGGINGS
8 LAW BOOKS
1 PER
HARD BACKS

Has a full box now

5-25-00 SPENT 30 MIN LOOKING THRU legal
BOXES PER PRC Def ~~POLAKOVICH~~

6-3-00 JAE STARTED TO SORT PROPERTY FOR T.T.
RULDELL TUE 1/2 (OFFICER TORRES ESCORT)

6-4-00 (RACE & RESERVATION) Had JAE down to
FINISH SORTING PROPERTY. JAE AND AGREE
TO 4 BOX LIMIT ON PROPERTY REE POLICY.
HE PLACED MISC. PAPERS & BOOKLETS, BOOKS
IN TRASH BAG. THEN LATER REFUSED
TO SIGN THE CONFISCATION ITEMS
SLIP.

6-4-00 RULDELL

7-18-00 RET TO RHU. LEFT WITH 2 BOXES RET WITH 3 BOXES

7-25-00 Received Hearing Aid Per Lt. lady

7-28-00 JAE DOWN STAIRS GOING THRU LEGAL
PICKING HIS MAT OUT 1-BOX (LEGAL + REL)

STATED THAT SOME MAY BE IN
THIS BED AT WARMING

7-28-00 RE ISSUE 1-BOX LEGAL MAT.

2. SHORTS 1. SHOWER SHOES

2. SHORTS 2. SOCKS BIBLE, 1 COMB
MAILED 1 BOX OUT NOW BACK TO 4 BOXES

7-29-00 RECEIVED A" OF MISC PAPERS TRASH FOR DISPOSAL

7-30-00 ISSUED APPROX. 2" LEGAL PAPER + REC. A" ALSO 2 FOLDERS

RULDELL TO PLACE IN PROPERTY LEGAL PAPER + REC. A" ALSO 2 FOLDERS

8-28-00 PLACED 1 Brown Legal Envelope in brief (post pd)

8-28-00 PER PRC. POLAKOVICH JAE TO LOOK FOR LEGAL PAPERS
JAE ASSISTED PROPERTY OFFICER JUDGE GET
LEGAL PAPERS

DC-804

PART 1

DEC - 8 1999

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA. 17001-0598**

OFFICIAL INMATE GRIEVANCE

GRIEVANCE NO. _____

TO: GRIEVANCE COORDINATOR Mr. Ben C. Livingood, FROM: (Commitment Name & Number) MR. John R. Jade, #BQ-3219	INSTITUTION SCI-Camp Hill	DATE 12-05-99
WORK ASSIGNMENT None	INMATE'S SIGNATURE (S) John R. Jade	QUARTERS ASSIGNMENT RHU A2-34 cell

INSTRUCTIONS:

1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Brief, clear statement of grievance:

This grievance concerns conditions in the RHU here I lodged against RHU Lieutenant/Unit Manager Lt. Rhoades & the RHU. I am being illegally denied my U.S. Constitutional Rights to have my religious material in my RHU cell here in violation of the 1st Amendment to the U.S. Constitution and also DC-ADM #801-2, of August 16, 1995. I am also being illegally denied my right to showers three times a week & outside exercise/recreation one(1) hour per day, 5 days per week. In violation of the 8th Amendment to the U.S. Constitution and also DC-ADM #801-11-D.8 to other inmates here in the RHU being loud, although I am not. I have also been unconstitutional subjected to poor ventilation & excessive heat, in that the RHU officers have placed a plexiglass covering over my cell door in retaliation for my exercising my rights to freedom of speech and refusing to open the windows, but hearing the beaten, which violates the 1st & 8th Amendments of the Constitution. This grievance under DC-ADM #804-VI-A-5. I request the beginning of personal interview.

B. Actions taken and staff you have contacted before submitting this grievance:

I have first tried to personally resolve the above-matter by discussing or attempting to discuss such with the Lt. on 12-01-99 and/or with RHU Lt. Rhoades on 12-01-99 & 12-04-99. I have also discussed such with the RHU Sgts. & BPPB on 12-01-99.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

COMMONWEALTH OF PENNSYLVANIA
SCI-CAMP HILL

DATE : 12/8/98

SUBJECT: Consolidated Inmate Grievance Review System

TO : John Jan BQ-3218
D
FROM : Ben Livingood
Corrections Superintendent Assistant

I am returning your grievance because you have not complied with the following provision(s) of DC-ADM 804 (Consolidated Inmate Grievance Review System):

- All grievances shall be in writing and in the format provided by the forms supplied at the institution. Forms are available on all cell blocks. (Section VI, A1)
- All grievances shall be presented individually. Group grievances are prohibited. (Section VI, A2)
- Only an inmate who has been personally affected by a Department or institution action or policy shall be permitted to seek review of a grievance. (Section VI, A3)
- Grievances must be signed. (Section VI, A3)
- All grievances must be presented in good faith. They shall include a brief statement of the facts relevant to the claim. The text of the grievance must be legible and presented in a courteous manner. (Section VI, A4)
- Grievances based upon different events should be presented separately, unless necessary to combine to support the claim. (Section VI, A5)
- Section VI, Initial Review, E, states that any inmate grievance may be addressed to the Inmate Grievance Coordinator except issues related to the following:

1. DC-ADM 801 - Inmate Disciplinary and Restricted Housing Unit Procedures.
PPC matter.
2. DC-ADM 802 - Administrative Custody Procedures.
3. DC-ADM 805 - Policy and Procedures for Obtaining Pre-Release Transfer.
4. DC-ADM 814 - Incoming Publications.
5. Other kinds of issues for which review procedures have been previously established by administrative memorandum or policy statement.

continued - reverse side

DC-804

PART 1

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598 -
CAMP HILL, PA. 17001-0598

OFFICIAL INMATE GRIEVANCE

GRIEVANCE NO.

CPm-0295-04

TO: GRIEVANCE COORDINATOR <i>Mr. Bear - L.P.A. - J.R.</i>	INSTITUTION <i>SCT-Camp Hill</i>	DATE <i>5-08-00</i>
FROM: (Commitment Name & Number) <i>MR. John R. Jig #BA-3219P</i>	INMATE'S SIGNATURE <i>(S) John R. Jig</i>	
WORK ASSIGNMENT <i>None</i>	QUARTERS ASSIGNMENT <i>RHU B104-Cpl</i>	

INSTRUCTIONS:

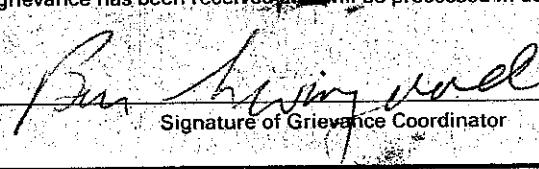
1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Brief, clear statement of grievance: This grievance is lodged against RHU P.R. Office Rubendall & Roger here for their deliberate & malicous game plan of failure to do their job here & give me back all of my legal Religious & other property which was removed from RHU B570 on 4-23-00, & which was ordered to be all go given back to me on 4-27-00 by SCT-Camp Hill's Chief Rep. M. Clark & my P.R. P. for their illegal & deliberate & malicous act of all of such legal, Religious & other property of mine here. I [had] my [now] after such was ordered returned to me. Such denial of Legal Reps here caused me to miss a Court ordered filing in Court Case No. 00CV00160 of May 8, 2000, & legally denied me access to legal materials & access to the Courts in violation of 1st Amend. U.S. Const. due to the above mentioned my religious freedom rights under 1st Amend. U.S. Const. Substantiated DC-ADM#804. I request a personal interview with this office.

B. Actions taken and staff you have contacted before submitting this grievance:

I first tried to formally resolve the above-matter by camping in about such both verbally & in writing to Supt Dr.ovich on 5-01-00 & [] Deputy Supt Polk or the PRC on 5-3. I also discussed it with Manager Spink my counselor and different P.R.s.

Your grievance has been received and will be processed in accordance with DC-ADM 804.



COMMONWEALTH OF PENNSYLVANIA
State Correctional Institution at Camp Hill

DATE: August 11, 2000

SUBJECT: Appeal to Superintendent
Grievance No. CAM-0295-00

TO: John Jae
BQ-3219
D Unit

Martin L Dragovich
FROM: Martin L. Dragovich
Superintendent

Receipt of your Appeal to Superintendent of Grievance CAM-0295-00 is acknowledged. In preparing this response, I have reviewed your original grievance, the grievance officer's response, and your appeal to this office.

Again, as in Grievance CAM-0346-00, a response was prepared upon your return from the SAU at SCI-Waymart. As noted earlier in the previous grievance, this did not have a consequential effect on the processing of your grievance as your grievance appeal has been accepted for processing.

As for the grievance itself, it is noted that you did not cooperate by accepting the papers in question when officers attempted to give you your legal property, but instead became hostile and threw your papers on the tier. You have admitted as much in your appeal to this office. While you claim their actions were deliberate, it may very well have been accidental or you did not provide them with enough information. Either way, your actions were inappropriate, and you must accept some of the responsibility for any delays you may have incurred.

Based on the foregoing, your appeal is denied.

MLD/lp

B.L.Q.

cc: Deputy Novotney
Deputy Palakovich
Mr. Livingood
Mr. Spirk
DC-15
File – CAM-0295-00

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
1451 N. MARKET STREET
ELIZABETHTOWN, PA 17022

OFFICE OF THE
CHIEF HEARING EXAMINER

September 8, 2000

John Jae, BQ-3219
SCI Camp Hill

Re: DC-ADM 804 - Final Review
Grievance Nos. CAM-0295-00 & CAM-0346-00

Dear Mr. Jae:

This is to acknowledge receipt of your appeal to final review of the above numbered grievances.

In accordance with the provisions of DC-ADM 804, VI D, as amended effective November 1, 1997, I have reviewed the entire record for each of these grievances; including your initial grievance, the Grievance Officer's response, your appeal from initial review and the Superintendent's response. I have also carefully reviewed the issues you raise to final review.

Upon completion of this review, it is the decision of this office to uphold the responses provided by staff at the institutional level. I find the issues raised for final review have been addressed by the Grievance Coordinator and the Superintendent, and their responses are reasonable and appropriate.

I concur with the responses already provided at the institution level. Accordingly, your appeals to final review must be denied.

Sincerely,



Robert S. Bitner
Chief Hearing Examiner

RSB:bjk

pc: Superintendent Dragovich

XO Form - One

35A

DEC

1 1999

COMMONWEALTH OF PENNSYLVANIA

DEPUTY SUPERINTENDENT
FOR CENTRALIZED SERVICES

DEPARTMENT OF CORRECTIONS

INMATE'S REQUEST TO STAFF MEMBER

INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

(NAME AND TITLE OF OFFICER)

be Program Review Committee

2. DATE

11-28-99

(INSTITUTIONAL NAME AND NUMBER)

John R. Magill, Jr. John R. Magill, Jr. MR. CONSTAFFE

RK ASSIGNMENT

None

6. QUARTERS ASSIGNMENT

RHU A2-34

JECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

In = 11-24-99, I saw & spoke with you & inquired as to whether I could have my soft cover law books in my RHU cell as I need to have such available to me when I am preparing a Court Pleading. It is one of my current/pending State & Federal Court Cases & need to legally research an issue I am working on and/or when I need a case file for such and I do not afford to wait till the RHU Staff gets ready to take me to the Law Library here because of the delay involved for such, and you let me to submit a Request to RHU Lt. Rhodes and give him a key to my law books I wanted from my property, which I did do so even on 11-26-99, when I was finally permitted to go there & stay here in the RHU, RHU property Officer Craig illegally

POSITION: (DO NOT WRITE IN THIS SPACE)

Mr. Joe Palermo
Deputy Superintendent
addressed these issues with
you today

O DC-14 CAR ONLY

 TO DC-14 CAR AND DC-15 IRS

EMBER

DATE

12-1-99

e) Form - two

35A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

INMATE'S REQUEST TO STAFF MEMBER

INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

(NAME AND TITLE OF OFFICER)

The Program Review Committee

2. DATE

11-28-99

(INSTITUTIONAL NAME AND NUMBER)

John R. Jagoda-3219, John R. Jagoda

4. COUNSELOR'S NAME

RANK ASSIGNMENT

None

6. QUARTERS ASSIGNMENT

RHU A2-34 Cell

JECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

I need me my soft cover Law Books from my property here. Noting that the P.R.C. had not approved such former(s). Also, on: 11-26-99, RHU Property Officer Craft finally denied me my other previous material books besides my Bible, despite the fact that Doc ADM. #8012- P states that I am allowed to have such in my cell. I rounds center to deny I am allowed to have in my cell on DC STATUS in the RHU. Therefore, I request that you, the P.R.C. approve my own personal soft cover law books & previous materials for me to have in my RHU cell & that you order RHU Property Officers Craft to immediately give such to me here, if they deny me such under ~~THE CONSTITUTION~~ ~~RIGHTS OF ACCESS~~ ~~THE Courts~~ ~~the Freedom of Religion~~

POSITION: (DO NOT WRITE IN THIS SPACE)

 DC-14 CAR ONLY TO DC-14 CAR AND DC-15 IRS

EMBER

Plaintiff's Exhibit - L -

DATE

THIS IS A LIST OF MY REQUESTED LAW BOOKS
I NEED AND REQUEST FROM MY PROPERTY HERE

1. Prisoners' Self-Help Litigation Manual
 2. Federal Rules of Civil Procedure Pamphlet
 3. Federal Rules of Appellate Procedure Pamphlet
 4. Federal Rules of Evidence Pamphlet
 5. U.S. Supreme Court Rules Pamphlet
 6. U.S. Constitution Pamphlet
- _____
7. Pa. Constitution
 8. Secret Tools Of Post Conviction Relief (2)
 9. Criminal Procedure In A Nutshell
 10. Appellate Advocacy In A Nutshell
 11. The Law Of Corrections, Sentencing And Prisoners' Rights In A Nutshell
 12. THE SS PA. Code Pamphlet

#BQ-3219
SCT-Camp Hill
P.O. Box 200
Camp Hill, PA 17011-0200
November 30, 1999

DR. Jeffrey Beard,
Executive Deputy Secretary

Pennsylvania Department of Corrections
P.O. Box 50812520 Lebanon Road
Camp Hill, PA 17011-0200

Dear Executive Deputy Secretary Beard:

OFFICE OF
THE SECRETARY
DEC 6 1999
GAIL MILLER
REFERRED

I am writing & sending you this here letters advise
you of several problems/rights DOC BUREAU has that are
going on here at SCT-Camp Hill, which are as follows:

1) MR. R. G. Imble, SCT-Camp Hill Business Manager
is refusing to comply with and follow the provisions of D.A.R.
303-VT-C-1-PR that he illegally refuses to provide statement
of his. Ingent's Legal Pack, when the inmate will clearly indicate
his attorney account has a negative balance of \$10.00 &
thereabouts, or if he does provide this inmate with a
legal pack he only does so once a month, although DC-ADM
I.C.-1-d-(2)-P clearly states that if one legal pack is not
enough, I may request and receive one more additional per
month.

MR. GIMBLE "LIES" & claims he never receives my
 inmate request forms to him for such legal pack(s), but yes
 all other staff members have received my request forms to
 them when I write and send them to them. This interferes with
 me properly bringing legal/complaints to my 16 active
 state & federal court cases and delays such and attempting one
 causes me to miss court ordered fittings and more so on.

Page - two

- 2) I have been illegally denied my rights under Federal Law/Federal Court Decisions to have other inmates hear SOT - Camp HPI (when I was still in general population)
and test me with my legal/court cases, in that, I have been illegally denied my rights to have other inmates possess my legal papers & other legal materials as when I gave such to another inmate here, such was illegally confiscated & destroyed by the officers of the security office here and was told that if any more legal materials came before and another inmate possessed it another block housing unit such would be confiscated & destroyed again here & could be given a misconduct for such. This violates numerous U.S. Supreme Court and other Federal Courts Case decisions & Federal Laws, especially since I do not qualify/meet the criteria for legal assistance from the Instruction Panel legal here.
- 3) I am currently being housed in this prisons RHU (Re-DC Custody Status) and I am being illegally denied my state/federal Constitutional Rights to Freedom of Speech in that when I talk to other inmates here in the RHU I am told to get off my door and shut up by the RHU officers & they do not do so then I am subject to a MISCONDUCT Report by RHU officer for refusal to obey an order.
- 4) The RHU staff are illegally denying me access to my unique law books which will fit in one (1) records center box in relation of Dr. ADD & D.E. because I need to be able to have immediate access to such when an inmate is reading any of my books or continues to look up legal research, I request also who ever my books are confiscated to return them to me because to do otherwise would violate my constitutional right to Due Process. I have been informed that the RHU staff are "TERRIBLY UNRELIABLE" but I do not think so. Dr. BROWN I request your intervention here on all of the above & that you remain in your lounge research up there I will be forced to seek



RECEIVED
Office of Attorney General
JUN 2 2001

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
P.HILL, PENNSYLVANIA 17001-0598

Dec. 9, 1999

Litigation Section

OFFICE OF THE
SECRETARY OF CORRECTIONS
John Lee Beard, 3219

SCI-Camp Hill

P.O. Box 200

Camp Hill, Pa 17001-0200

J.D.M.

Dear Mr. Jae:

Your letter to Executive Deputy Secretary Beard was referred to my office for response. There are specific procedures and guidelines for you to follow so you may obtain legal materials required for meeting active court deadlines. I am forwarding your letter to Superintendent Kyler and his staff will address your concerns.

The complaints that you are expressing should be addressed at the institutional level. Your Unit Management Team or Program Review Committee is more than capable of addressing your concerns.

Sincerely,

James D. Morris
Inspection Team Lieutenant
Specialized Facilities and Programs

JDM

cc: Superintendent Kyle (w/attachment)
Central Files
File

PLANTFAC/PBS/DRB/M

TB = Superintendent Dragovich,
SCI-Camp Hill

Re: "My 5-21-00 Letter Advising You Of
Violation Of DC-ADM #801-KC-M-ST-THHD"

RECEIVED
SUPT. SCI

MAY 23 2000

Referred *De Platouch*
ptc

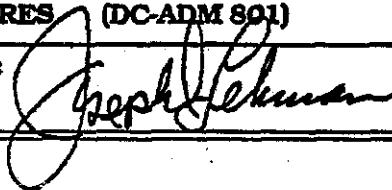
Mr. J. J.
your request
you been referred
to POC to be addressed
to RHU staff during
the week
5/24/00

Superintendent Dragovich, Sir,

I am writing & sending you this

here letter to advise you herein in writing that there
is an ongoing & repetitive violation of DC-ADM #
VI-M-S, being committed in the RHU here by RHU
Property Officers Rubendall & Rager, who refuses to
me to go down to my property to exchange Legal and
Religious Materials once every thirty days as is shown
proven by the absolute fact that I have not been down
to my property here in the RHU Property Room and have not
been allowed to exchange my legal and Religious Materials
since March 15, 2000, although I had submitted
separate written Inmate Request Forms to go down
to them and to the RHU Lt. Rhoades on April 12, 2000
on May 11, 2000. On May 12, 2000, the rest of my property
removed from RHU B257-cell here was returned to
here, however, I was not allowed to go to my property
and exchange legal and ~~religious~~ religious material
I had requested in writing on 5-11-00 and in
of DC-ADM #801-VI-M-S.

Now it has once again become crucial for me to go
down to my property here to do so as I have a Court Case
that certain pleadings are due to be filed in Federal Court
Jae vs. White, Civil Action No. 96-612, by June 2, 2000
extension of time will be granted and the case papers I
to enable me to meet such filing deadline are down
property here in the RHU Property Room and thus I request
you order RHU Property Officer Rubendall to have me brought
to my property this here week to do so & I request you return
back to me on this here letter to you: (S) ——————
John R. Jones

		POLICY STATEMENT Commonwealth of Pennsylvania • Department of Corrections	
Policy Subject: INMATE DISCIPLINARY AND RESTRICTED HOUSING PROCEDURES (DC-ADM 801)		Policy Number: DC-ADM 801	
Date of Issue: May 20, 1994	Authority: 	Effective Date: Sept. 20, 1994	

I. Authority

The authority of the Commissioner of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901 (b) of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, 175, as amended.

II. Purpose

A consistently applied system of sanctions in response to inmate violations of Department of Corrections rules and regulations is established to ensure the safe and orderly operation of institutions and Community Corrections Facilities.

III. Applicability

This policy shall be applicable to all inmates and staff in all Department of Corrections' facilities and Community Corrections Centers.

IV. Definitions

For the purpose of this policy, the following definitions shall apply:

- A. Central Office Review Committee (CORC) - A panel of at least three (3) Central Office staff members appointed by the Commissioner, including an attorney from the Office of Chief Counsel, which conducts final reviews of institution grievance and misconduct appeals.
- B. Disciplinary Custody - The maximum restrictive status of confinement to which inmates guilty of Class I misconducts may be committed. Inmates shall be placed in disciplinary custody status for periods no longer than ninety (90) days per misconduct report.
- C. Hearing Examiner - An employee of the Department of Corrections Central Office who conducts inmate misconduct hearings. The hearing examiner reviews evidence, determines relevance of witnesses, interviews witnesses, determines guilt or innocence, and imposes sanctions consistent with this policy.
- D. Misconduct - Any violation of Department of Corrections Rules, Regulations or Policies as outlined in Section VI of this policy.
- E. Pre-Hearing Confinement - A temporary administrative status of confinement in the inmate's general population cell or the RHU pending the outcome of a misconduct hearing.

EXHIBIT 4
801-1

DC-ADM 801

The Superintendent or PRC may change an inmate from DC status to AC status only upon expiration of the DC sanction and only if proper notice and hearing procedures are provided as outlined in DC-ADM 802.

At any time, the Superintendent or designee may reduce the disciplinary sanction imposed on any inmate other than those who commits conduct involving bodily injury, attempts to commit bodily injury or use of a weapon, based on the security needs of the institution in accordance with the "Administration of the Restricted Housing Unit" policy. When this occurs, the Superintendent shall notify the Regional Deputy Commissioner via Weekly Status Report.

8. In cases of multiple misconduct sanctions, the Superintendent may reduce the total amount of disciplinary time based upon positive adjustment by the inmate. Disciplinary time cannot be reduced beyond the longest sanction imposed per misconduct report for Category A charges or half of the longest sanction imposed for other category charges.
9. The PRC or the superintendent will have the discretion to reduce disciplinary sanctions for medical health cases.

D. RHU Procedures for Disciplinary Custody Status Inmates

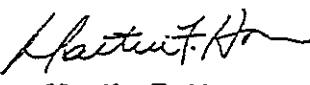
1. Disciplinary custody status inmates are housed in separate cells from general population and administrative custody status inmates.
2. Smoking in the disciplinary custody status housing area will be limited to one pack of cigarettes every two (2) weeks, to be purchased from the institution commissary. Indigent inmates may be provided with cigarettes consistent with policy 15.3.6, VI. D., Smoking in Department of Corrections Buildings and Facilities.
3. Inmates in disciplinary custody status will not have the privileges of radios, televisions, telephone calls, personal property or commissary (except cigarettes, toilet articles, legal/correspondence materials, and prescribed medications).
4. Visits are limited to one (1) non-contact visit per month with immediate family only. Legal visits will be permitted. In cases of emergencies, a telephone call may be approved by the Unit Manager or a Commissioned Officer.
5. Disciplinary custody status inmates will be permitted legal materials that may be contained in one (1) records center box. Any additional legal material will be stored and available upon request on an even exchange basis. A personal Bible, a Holy Koran, or equivalent religious publication is permitted.
6. Inmates will be provided access to the institution law library by requesting legal materials in accordance with Departmental policy. Other library books may be requested on a weekly basis.
7. Inmates in disciplinary custody status will be provided with an R.H.U. jumpsuit and footwear. Basic issue toilet articles will be provided on request. Two (2) pair of personal undergarments are permitted. No other personal property is permitted. Outerwear for exercise will be provided as needed.
8. Disciplinary custody status inmates will receive one (1) hour exercise per day, five (5) days per week, and shall be permitted a minimum of three (3) showers and three (3) shaves per week.
9. The Program Review Committee will interview all disciplinary custody cases every thirty (30) days.

		BULLETIN Commonwealth of Pennsylvania • Department of Corrections	
To: Superintendents Boot Camp Commander Executive Staff Regional Directors	Policy Subject: DC-ADM 801 Inmate Disciplinary and Restricted Housing Procedures		
		Policy Number:	DC-ADM 801-2
		Policy Issue Date:	May 20, 1994
Date of Issue: 8-16-95	Authority: <i>Raymond Clynch Jr.</i>	Effective Date: 8-16-95	

Section VI.D.5., RHU Procedures for Disciplinary Custody Status inmates, is amended by this Bulletin to allow inmates to maintain religious, as well as legal materials, in one(1) records center box.



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject:	INMATE DISCIPLINE		Policy Number:
Date of Issue:	March 8, 2000		DC-ADM 801
Authority:	Martin F. Horn 	Effective Date:	April 17, 2000

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operations of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. PURPOSE

The purpose of this policy is to establish procedure for addressing inmate violations of Department of Corrections rules and regulations.

III. APPLICABILITY

This policy is applicable to all inmates and staff in all facilities under the jurisdiction of the Department of Corrections.

IV. DEFINITIONS

A. Administrative Custody (AC)

A status of confinement for non-disciplinary reasons, which provides closer supervision, control, and protection than provided in general population.

B. Calendar Days

Any number of consecutive days, including weekends and holidays.

- c. The Chief Hearing Examiner will review and respond to all misconduct appeals to final review within seven (7) working days of receipt of all necessary records for review. The Chief Hearing Examiner will review the misconduct, the hearing report, and all appeals therefrom, and the issue raised to final appeal.
- d. Upon completion of final review, the Chief Hearing Examiner will respond directly to the inmate in all cases where the position taken by the facility is upheld.
- e. In all cases where the action of the Hearing Examiner, PRC or the Superintendent is reversed or amended, or where a matter is remanded, the Chief Hearing Examiner will prepare a letter to the inmate and a memorandum to the Superintendent. The Chief Hearing Examiner will forward the letter and memorandum to the appropriate Regional Deputy Secretary for review and signature.

M. Disciplinary Custody Status Inmates

1. DC status inmates are housed in separate cells from general population and AC status inmates.
2. Inmates in DC are prohibited from using, purchasing, or possessing any tobacco products while confined in the RHU.
3. Inmates in DC status will not have the privileges of radios, televisions, telephone calls, personal property or commissary (except toilet articles, legal/correspondence materials and prescribed medications).
4. Visits are limited to one (1) non-contact visit per month, which may be limited to weekdays only, with immediate family. Legal and religious advisor visits will be permitted, in accordance with Department policy DC-ADM 812, "Inmate Visiting Privileges." In case of a verified emergency, the Unit Manager or a Commissioned Officer may approve a telephone call. All approved emergency telephone calls must be logged in the RHU Log Book and in the inmate's DC-17x, "Adjustment Record for Administrative and Disciplinary Custody Inmates."
5. DC status inmates will be permitted to retain religious, as well as legal materials that may be contained in one (1) records center box. Any additional legal or religious materials will be stored and made available upon request on an even exchange basis not more than once every thirty (30) days unless approved by PRC.
6. Inmates will be provided access to the facility law library by requesting legal materials in accordance with Department policy DC-ADM 007, "Access to Provided Legal Services." Other library books may be requested on a weekly basis.
7. Inmates in DC status will be provided with an orange RHU jumpsuit and slip on canvas footwear. Basic issue toilet articles will be provided on request. Three (3)

		POLICY STATEMENT Commonwealth of Pennsylvania • Department of Corrections	
Policy Subject: Consolidated Inmate Grievance Review System		Policy Number: DC-ADM 804	
Date of Issue: July 20, 1994	Authority: Joseph D. Lehman Commissioner	Effective Date: Oct. 20, 1994	

I. AUTHORITY

The Authority of the Commissioner of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. PURPOSE

It is the purpose of this Administrative Directive to establish policy regarding the Consolidated Inmate Grievance Review System and to ensure that inmates have an avenue through which resolution of specific problems can be sought.

This directive sets forth procedures for the review of Inmate Grievances not already covered by other Administrative Directives and policies. It also provides the method through which review procedures established by other directives are to be integrated with the procedures outlined in this directive.

III. APPLICABILITY

This policy is applicable to all employees of the Department of Corrections and all inmates under the jurisdiction of the Department of Corrections and to those individuals and groups who have business with or use the resources of the Department of Corrections.

IV. DEFINITIONS

A. Grievance -

The formal written expression of a complaint submitted by an inmate related to a problem encountered during the course of his/her confinement.

B. Grievance Coordinator -

The Corrections Superintendent's Assistant in an institution or the Assistant to the Regional Director in Community Corrections who is responsible for the overall administration of the Inmate Grievance System in that facility\region. This includes all data collection, tracking and statistical reporting. At the direction of the Facility Manager or Community Corrections Regional Director, the Grievance Coordinator may be called upon to provide Initial Review of certain grievances.

DC-ADM 804

D. Final Review

1. Any inmate who is dissatisfied with the disposition of an Appeal from Initial Review decision, may, within seven (7) days of receiving the decision, raise any issue related to non-compliance with the ICU Consent Decree, or new, previously unreviewed directives or policy, for final review. Only issues raised at the Initial Review and Appeal level may be referred for Final Review.
2. Final Review will not be permitted until the inmate has complied with all procedures established for Initial Review and Appeal from Initial Review. Exceptions may be made for good cause.
3. Final Review of all appeals will be sent directly to the CORC except the following:
 - a. Medical Grievances which will be reviewed by COMRC.
 - b. Requests for Final Review of appeals from disciplinary actions which were processed through DC-ADM 801. These will be reviewed by the Office of the Chief Counsel which may respond directly to the inmate or refer the appeal to the Central Office Review Committee (CORC) for further reviews.

The address of the CORC/COMRC is:

PA DEPARTMENT OF CORRECTIONS
CENTRAL OFFICE REVIEW COMMITTEE
PO BOX 598/2520 LISBURN ROAD
CAMP HILL, PA 17001-0598

4. Requests for Final Review must clearly identify the decision appealed from and all reasons for appeal. Only one appeal from any second level (Appeal from Initial Review) decision will be permitted.
5. The CORC\COMRC, or any member thereof, may require additional investigation to be made prior to a decision on a Final Review appeal.
6. The CORC\COMRC will review all issues properly raised according to the above procedures. It may also review and consider any other related matter.
7. For all Appeals receiving Final Review, the CORC/COMRC will issue its decision within twenty-one (21) days after receipt of an appeal. The decision may consist of approval, disapproval, modification, reversal, remand or reassignment for further fact finding, and must include a brief statement of the reasons for the decision. The committee shall notify the grievant and Facility Manager/Regional Director of its decision and rationale.
8. The Chief Counsel will notify counsel for the ICU class of disposition by the CORC/COMRC of any matter raised on Final Review alleging a violation of the ICU Consent Decree.

E. Exceptions

Initial Review and Appeal from Initial Review of issues related to the following Administrative Directives shall be in accordance with procedures outlined therein, and will not be reviewed by the Grievance Officer or Grievance Coordinator.

1. DC ADM 805 - Policy & Procedures for Obtaining Pre-Release Transfer.
2. DC ADM 801 - Inmate Disciplinary and Restricted Housing Unit Procedures. See DC-ADM 801 VI., G & I
3. DC ADM 802 - Administrative Custody Procedures. See DC-ADM 802, VI, B, 1.2. Appeal from Initial Review. see DC-ADM 802, VI, B, 4, a.